

000FORM PTO-1390
REV. 2/01T

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22,852

ATTORNEY'S DOCKET NUMBER
07680.0034-00000**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**U.S. APPLICATION NO.
(If known, see 37 CFR 1.5)
Not Yet Assigned

3579508

INTERNATIONAL APPLICATION NO.
PCT/US2004/038059INTERNATIONAL FILING DATE
15 November 2004PRIORITY DATE CLAIMED
17 November 2003

TITLE OF INVENTION

SKELETAL MUSCLE-DERIVED CELLS AND METHODS RELATED THERETO

APPLICANT(S) FOR DO/EO/US

**Peter C. Yaeger
Jeffrey D. Stewart
Bruce M. Wentworth**


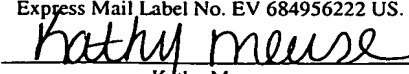
Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) :
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau.
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application _____ under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☒ Other items or information:
 - a. ☒ Copy of cover page of International Publication No. WO 2005/049810 A1
 - b. ☒ Form PCT/IB/318, Notification Relating to Priority Claim mailed March 3, 2005
 - c. ☒ Form PCT/IB/308, First Notice mailed June 23, 2005 from the International Bureau
 - d. ☒ Form PCT/IB/308, Second and Supplementary Notice mailed March 23, 2006 from the International Bureau

AP20 Rec'd PCT/PTO 16 MAY 2006

U.S. APPLICATION NO. (If known, see 37CFR 1.5) 12/579508 Not Yet Assigned		INTERNATIONAL APPLICATION NO. PCT/US2004/038059		ATTORNEY'S DOCKET NUMBER 07680.0034-00000	
21. <input checked="" type="checkbox"/> The following fees are submitted:				Applicant Use	Office Use Only
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):				\$300.00	
National Stage Search Fee.....				\$500.00	
National Stage Examination Fee.....				\$200.00	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of additional 50 or fraction thereof (rounded up to a whole number)	Rate		
76- 100 =	0/50=	0	x 250.00	0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).				<input type="checkbox"/> 20 <input type="checkbox"/> 30	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	24	- 20 =	4	x \$50.00	\$200.00
Independent Claims	5	-3 =	2	x \$200.00	\$400.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00		\$
TOTAL OF THE ABOVE CALCULATIONS =				\$1,600.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =				\$1,600.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)).				<input type="checkbox"/> 20 <input type="checkbox"/> 30	
TOTAL NATIONAL FEE =				\$1,600.00	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+	
TOTAL FEES ENCLOSED =				\$1,600.00	
				Amount to be refunded:	\$
				charged:	
<p>a. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>06-0916</u> in the amount of <u>\$1,600.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>b. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u>. A duplicate copy of this sheet is enclosed.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, NW Washington, D.C. 20001-4413</p>					
			 Konstantin M. Linnik Reg. No. 56,309		
			Dated: May 16, 2006		
CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"					
<p>I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on May 16, 2006 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mail Label No. EV 684956222 US.</p>					
 Kathy Meuse					

10/579508
AP20 Rec'd PCT/PTO 16 MAY 2006

**CERTIFICATE UNDER 37 CFR § 1.10 OF
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EV 684956222 US
USPS Express Mail Label Number

May 16, 2006
Date of Deposit

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By: Kathy Meuse
Kathy Meuse